IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.11068 of 2007
KUMAR MARANDI
Versus
STATE OF BIHAR & ANR
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6 04-09-2008 Heard the learned counsel for the petitioner as also the learned A.P.P. for the State.

The grievance of the petitioner is directed against the order dated 12.01.2007 passed by the learned Ist Additional Sessions Judge, Purnia in Cr.Revision No.184 of 2002 whereby he has dismissed the Revision application filed by the petitioner against the order dated 15.2.2001 passed by the learned Executive Magistrate, Sadar Purnia in Case no.26 (M) of 1999 under Section 145 Cr.P.C. whereby he had declared the possession of Opp.Party no.2 over the land in dispute.

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The only submission advanced by the learned counsel for the petitioner is that he had not been given sufficient opportunity of hearing by the Executive Magistrate before he passed the impugned order.

The matter raised by the learned counsel for the petitioner looses all force when reference is made to the order of the learned Additional Sessions Judge, Purnia in the aforesaid revisional case.

From paragraph 4 of the Judgment passed in the revision, it is apparent that more than sufficient opportunity spread over two years had been afforded to the petitioner to file his counter affidavit , documentary evidence as also to adduce oral evidence, if any. The learned Executive Magistrate was more than magnanimous in

affording such a long period of time to the petitioner and now the petitioner cannot, after having disobeyed all the directions and the orders of the learned Executive Magistrate, come and cry before this Court that he has not been afforded opportunity of hearing.

I find no apparent illegality or irregularity in any of the orders of the learned Magistrate or the revisional court so as to call for any interference by this Court.

Apparently, this application is highly misconceived and is dismissed. It is about time that frivolous litigations should now be kept at bay. As such cost of Rs.1000/- is imposed on the petitioner.

(Abhijit Sinha, J)

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NKS/-

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